

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) EQUAL EMPLOYMENT OPPORTUNITY } COMMISSION }	}	
	}	CIVIL ACTION NO.
Plaintiff,	}	
	}	
v.	}	CIV-09-1067-HE
	}	
(1) EDUCOMINC, LLC, d/b/a PIZZA PUB,	}	
(2) CORE CURRICULUM OF	}	
AMERICA, INC.,	}	
(3) CURRICULUM SOLUTIONS, INC., and	}	
(4) ACTIVE LEARNING ACADEMY, INC.	}	
	}	
Defendants.	}	
	}	

**PLAINTIFF EEOC'S MOTION
FOR ENTRY OF CONSENT DECREE**

COMES NOW, the Plaintiff EEOC and hereby respectfully moves this Court for entry of the consent decree agreed upon by and between the parties. In support of this motion, EEOC would show the Court as follows:

1. This matter is set for trial on the Court's trial docket for December, 2010.
2. The parties attended a mediation on August 16, 2010, and reached a settlement of this case. Attached to this motion is a copy of the draft of the consent decree signed by the parties. *See Exhibit A.* EEOC will tender an electronic version of the revised Consent Decree for the Court's signature, with the electronic signature of counsel for Defendants.

WHEREFORE, EEOC moves the court to enter the Consent Decree as proposed.

RESPECTFULLY SUBMITTED THIS 17th DAY OF AUGUST, 2010.

Respectfully Submitted:

BARBARA A. SEELY
Regional Attorney
St. Louis District Office

S/Michelle M. Robertson
MICHELLE M. ROBERTSON, OBA No. 14084
Sr. Trial Attorney
Equal Employment Opportunity Commission
Oklahoma Area Office
215 Dean A. McGee Avenue, Suite 524
Oklahoma City, Oklahoma 73102
405-231-4363
405-231-5816 (fax)
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of August, 2010, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

ATTORNEYS FOR DEFENDANT

Jean L. Foard
FOARD & TALLEY
Attorney at Law
1605 34th Street
Woodward, OK 73801

S/Michelle M. Robertson

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	
v.	}	CIV-09-1067-HE
(1) EDUCOMINC, LLC. d/b/a PIZZA PUB,	}	
(2) CORE CURRICULUM OF AMERICA, INC.,	}	
(3) CURRICULUM SOLUTIONS, INC., and	}	
(4) ACTIVE LEARNING ACADEMY, INC.,	}	
	}	
Defendants.	}	
	}	
	}	

CONSENT DECREE

THIS CONSENT DECREE is made and entered into by and between the Equal Employment Opportunity Commission ("EEOC"), and Defendants in the United States District Court for the Western District of Oklahoma, with regard to the EEOC's Complaint in Civil Action No. CIV-09-1067-HE. The Complaint was based upon a charge of discrimination filed by Courtney Canfield against Pizza Pub.

The above referenced Complaint alleges that Defendants violated Title VII of the Civil Rights Act of 1964, by subjecting Ms. Canfield to a sexually hostile work environment because of her sex, female, and constructively discharging her employment. Defendants deny all of EEOC's allegations set forth in the Complaint.

The EEOC and Defendants agree to compromise and settle the differences embodied in the Complaint, and intend that the terms and conditions of the compromise and settlement be set forth in this Consent Decree.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Consent Decree resolves all issues raised in EEOC Charge No. 564-2008-01993. This Decree further resolves all issues in the Complaint filed by the EEOC on September 29, 2009. The EEOC waives further claims on all issues raised in the above-referenced charge and Complaint that Defendants were in violation of applicable federal law. The EEOC does not waive processing or litigating charges or cases other than the above captioned case and Charge

No. 564-2008-01993. *This consent decree is entered against Defendants (1) (2) & (3) with Active Learning Academy, Inc. Being dismissed as it is.*

2. This Consent Decree does not constitute an admission by Defendants of any liability or wrongdoing.

3. Defendants shall conduct all employment practices in a manner which does not subject any employee to sexual harassment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* Further, there shall be no retaliation against any employee because that person has opposed any practice made unlawful under Title VII, or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under Title VII.

4. For each year that this Consent Decree is in effect, Defendants shall post the Notice appended as Attachment "A" on the employee bulletin board(s) at Defendants' facilities, located in the State of Oklahoma, within ten (10) calendar days of the date of the file stamp of this Consent Decree. Defendants will report by letter to the EEOC that it has complied with this requirement within ten (10) calendar days after posting the notice.

5 For each year that this Consent Decree is in effect, Defendants shall conduct training for all managers, supervisors and employees at all its facilities located in the State of Oklahoma advising them of the requirements and prohibitions of Title VII of the Civil Rights Act of 1964, with a special focus on sexual harassment. The training will inform the employees of the complaint procedure for individuals who believe they have experienced discrimination. The training will advise employees, including supervisors and managers, of the consequences of violating Title VII. The training will also include a specific discussion or instruction relating to the issue of sexual harassment. The training shall be at least two hours in duration. No less than 30 days after the training is conducted, Defendants shall give written notice to the EEOC as to the date and location of the training, the name and job title of the person providing the training, and the substance of the training.

6. Defendants shall pay Courtney Canfield the sum of ^{Fifty}~~sixty-two~~ thousand and ~~no~~^{\$40,000.00}/100 dollars (~~\$62,000.00~~) in full and final settlement of the claims asserted in this dispute. The parties agree this sum represents compensation for compensatory damages and lost past and future wages. Payment of the settlement funds shall be made in the form of a check payable to Courtney Canfield and made ~~within fifteen (15) days of the file stamped date of this Consent Decree.~~ ^{By OCTOBER 9, 2010.}

7. Defendants shall remove from all of Ms. Canfield's personnel files all documents, entries and references relating to: the facts and circumstances which led to the filing of her charge of discrimination; the content of the charge; and the Complaint filed by the EEOC based upon her charge. Further, upon inquiry of third parties, Defendants agree to only divulge Ms. Canfield's dates of employment, job title(s), and wage rate(s).

8. All reports to the EEOC required by this Consent Decree shall be sent to Michelle M. Robertson, Sr. Trial Attorney, EEOC, 215 Dean A. McGee, Suite 524, Oklahoma City, OK 73102.

9. Neither the EEOC nor Defendants shall contest the validity of this Consent Decree, nor the jurisdiction of the federal district court to enforce this Consent Decree and its terms, or the right of either party to the Consent Decree to bring an enforcement action upon breach of any term of this Consent Decree by either such party. Nothing in this Decree shall be construed to preclude the EEOC from enforcing this Consent Decree in the event that Defendants fail to perform the promises and representations contained herein.

10. The term of this Consent Decree shall be for five (5) years.

SO ORDERED, ADJUDGED AND DECREED this _____ day of _____,
2010.

HONORABLE JOE HEATON
U.S. DISTRICT COURT JUDGE

AGREED AS TO FORM AND SUBSTANCE:

FOR THE PLAINTIFF EEOC:

S/Barbara A. Seely

Barbara A. Seely

Regional Attorney

St. Louis District Office

S/Michelle M. Robertson

MICHELLE M. ROBERTSON, OBA

Sr. Trial Attorney

EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

215 Dean A. McGee Avenue, Ste. 524

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S/ Jean L. Foard

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Jean L. Foard

Alexis Thompson
president
Manager, L.L.C.
for Educamine, LLC
President for Corporate
Manager for L.L.C.
Executed



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Oklahoma Area Office**

215 Dean A. McGee, Suite 524
Oklahoma City, OK 73102
(405) 231-4911
TDD (405) 231-5745
FAX (405) 231-5816

ATTACHMENT A

NOTICE TO ALL EMPLOYEES

This NOTICE is being posted pursuant to a Consent Decree entered in Federal Court between Pizza Pub, et al., ("Pizza Pub"), and the U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC"). This NOTICE will be conspicuously posted for a period of five (5) years at this facility and in all places where employment notices are posted. It must not be altered, defaced, or covered by any other material.

POLICY: Discrimination of any kind can and often will detract from employees' job performance, discourage employees from remaining on the job, keep employees from advancing in their careers and lowers overall employee morale and productivity. It is the policy of Pizza Pub that retaliation of any kind as prohibited by federal anti discrimination law is unacceptable conduct and will not be condoned.

PURPOSE: It is the purpose of this policy is to conform with Title VII of the Civil Rights Act of 1964, as amended, and the Equal Employment Opportunity Commission's guidelines on sex discrimination.

SCOPE: This policy extends to all employees of Pizza Pub both management, non-management, and temporary/probationary.

DEFINITION OF SEX DISCRIMINATION: Title VII prohibits discrimination on the basis of a person's sex. It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based sexual harassment. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

DEFINITION OF SEXUAL HARASSMENT: Sexual harassment has been defined as follows: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcome sexual conduct, either verbal or physical.

Examples of behavior that may constitute sexual harassment include but are not limited to the following:

- Hugging, grabbing or any type of unnecessary touching of another person.
- Making unwelcome sexual advances.
- Foul or obscene language of a sexual nature, including jokes.
- Requests for sexual favors whether in exchange for benefits or otherwise.

DEFINITION OF RETALIATION: Title VII prohibits retaliation because allowing such conduct would have a chilling effect upon the willingness of individuals to speak out against employment discrimination, to participate in an internal investigation or to participate in the EEOC process. Retaliation has been defined as taking adverse action against a person who has:

- Opposed any practice made unlawful under Title VII
- Has filed a charge of discrimination
- Has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under Title VII.

Examples of adverse action include but are not limited to the following: Discharge, denial of a promotion, refusal to hire, denial of job benefits, demotion, suspension, reprimands, negative evaluations, harassment, negative job references and limiting access to other privileges allowed all employees.

RESPONSIBILITY: Each manager and supervisor has a responsibility to maintain a workplace free of gender discrimination and/or retaliation. Each level of management is responsible for ensuring that all personnel policies, procedure, and activities are in full compliance with applicable federal, state, and local equal employment laws, statutes, rules, and regulations regarding discrimination and retaliation. Employees are expected to read, understand, and follow Pizza Pub's policies against discrimination.

REPORTING PROCEDURES: Any employee who believes that he or she has been subjected to gender discrimination and/or retaliation is encouraged to report the alleged act as soon as possible to either that person's immediate supervisor, any supervisor or manager with Pizza Pub or to the Human Resources Department. The Human Resources Department may be contacted at (main office address) _____ or by telephone at _____. Supervisors and managers who are informed of an alleged incident of discrimination must immediately notify the Human Resources Department.

A person either alternatively, or in addition to reporting such an allegation to company officials, may contact the U.S. Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the U.S. EEOC office is 215 Dean A. McGee, Oklahoma City, OK 73102; (405) 231-4911. Information about your rights and how to file a charge is available on the Internet at www.eeoc.gov.

INVESTIGATION OF COMPLAINTS: A complete investigation of each complaint will be undertaken immediately by the Human Resources Department. The investigation may include interview of all employees and supervisors at the facility, the inspection of documents, including personnel records, and full inspection of the premises.

PUNISHMENT FOR VIOLATION: Employees engaged in sex discrimination and/or sexual harassment as prohibited by Title VII can expect serious disciplinary action. After appropriate investigation, any employee, whether management or non-management, who has been found to have discriminated against another employee will be subject to appropriate sanctions, depending on the circumstances, from a written warning in his or her personnel file up to and including termination of employment.

RETALIATION: There shall be no retaliation against any employee because that person has opposed what they believe to be unlawful employment practices; or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964. Pizza Pub will not punish you for reporting discrimination simply because you have made a complaint under the above guidelines.

PROTECTION OF PRIVACY: Pizza Pub will make a concerted effort to protect the privacy of all personnel. Confidential information will be shared on a need-to-know basis to complete the investigation and to deal appropriately with the situation.

EXCEPTIONS: There are no exceptions to this policy.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE REMOVED OR DEFACED BY ANYONE.
THIS NOTICE WILL BE POSTED FOR A PERIOD OF FIVE YEARS.**

Signed this _____ day of _____, 2010.

Date

Pizza Pub CEO